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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO. CR12-098-RSM
10)
11 Plaintiff,)
12)
13 v.)
14 DJUAN O. GARDNER,)
15)
16 Defendant.)
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14 Offense charged: Felon in Possession of a Firearm

15 Date of Detention Hearing: April 24, 2012.

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably
19 assure the appearance of defendant as required and the safety of other persons and the
20 community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant, a convicted felon, has been indicted for possessing a rifle and

01 semi-automatic pistol which had been shipped and transported in interstate and foreign
02 commerce. The AUSA proffers that defendant was allegedly in the process of selling the
03 firearms to be transported outside the country.

04 2. Defendant does not have a stable residence address and has been unemployed
05 for a number of years. He discloses controlled substance use and has completed inpatient
06 treatment but did not complete the outpatient treatment. His DOC supervisor describes his
07 performance on supervision as poor, noting the defendant consistently failed to report as
08 directed. Numerous hearings were scheduled to address his noncompliance and sanctions
09 were imposed. The defendant was frequently on warrant status, and tested positively for
10 marijuana use. There is an outstanding warrant issued from King County Superior Court
11 relating to his conviction for Attempt to Elude Police Vehicle.

12 3. Defendant poses a risk of nonappearance due to unstable residential history, lack
13 of work history, history of failing to appear and failing to comply with Court orders, an active
14 and extraditable warrant, a prior conviction for eluding, unaddressed mental health concerns,
15 and a substance abuse history. Defendant poses a risk of danger based on the nature and
16 circumstances of the offense, criminal history, a history of failing to comply and substance
17 abuse history.

18 4. There does not appear to be any condition or combination of conditions that will
19 reasonably assure the defendant's appearance at future Court hearings while addressing the
20 danger to other persons or the community.

21 It is therefore ORDERED:

22 1. Defendant shall be detained pending trial and committed to the custody of the Attorney

General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;
3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United State Pretrial Services Officer.

DATED this 24th day of April, 2012.



Mary Alice Theiler
United States Magistrate Judge